IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 1551 of 2005

Between:

P. Balaswamy, S/o. Late Veeraiah, Conductor, E.No.255768
R/o. 1-1-500/A, 4th Ward, Nehru Nagar, Suryapet, Nalgonda

District.

... PETITIONER

AND

1 The Depot Manager, APSRTC, Bus Depot, Miryalaguda,

Nalgonda District.
2 The Depot Manager, APSRTC, Bus Depot, Kodad, Nalgonda

District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ or direction particularly one in the nature of Writ of Certiorari quash the impugned punishment of deferring annual increments for a period of (6) months with cumulative effect vide proc. No. P2/1(31)/95-MLG dt. 26.06.1996 as arbitrary, in violation of Reg. 12(2) of APSRTC, C.C.&A REG. 1967 and direct the 2nd respondent to restore the deferred increments along with all consequential benefits in the interest of justice and fair play.

Counsel for the Petitioner: MR.V.NARASIMHA GOUD

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court, at the admission stage, made the following:

ORDER:

Alleging that petitioner was absent from his duties from 06-09-1995 to 13-09-1995, a chargesheet was issued to him on 30-06-1995 calling for his explanation. The writ petitioner gave his explanation dated 08-07-1995 stating that he was sick during the said period. Without conducting any enquiry, the Disciplinary Authority imposed a penalty of deferment of annual increment for a period of six months with cumulative effect by its proceedings dated 26-06-1996. Questioning the same, the present writ petition is filed.

2. Learned counsel appearing for the writ petitioner contended that imposing a major penalty without conducting any enquiry is illegal and since the incident in question has taken place long back, instead of remitting the matter to the Disciplinary Authority, he prays to restore the deferred increment.

3. For being absent for his duties, a chargesheet was issued to the petitioner and an explanation was called for. After considering the explanation offered by the petitioner, a penalty of deferment of annual increment for a period of six months with cumulative effect was imposed on him. There cannot be any dispute that imposing the penalty of deferment of annual increment for a period of six months with cumulative effect is a major penalty. Though it is a matter to be remitted back to the Disciplinary Authority for appropriate decision, as the incident in question took place long back, therefore, considering the facts and circumstances of the case, minor penalty can be imposed on the petitioner.

In the result, the writ petition is disposed of modifying the penalty passed by the Disciplinary Authority to that of deferment of annual increment for a period of six months without cumulative effect. In the circumstances, no costs.

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K.C. BHANU, J

February 3, 2005

MRR

Copy to:

1 The Depot Manager, APSRTC, Bus Depot, Miryalaguda,

Nalgonda District.
2 The Depot Manager, APSRTC, Bus Depot, Kodad, Nalgonda

District.

3 Two C.D. Copies.